

## **BURDEN OF PROOF BEYOND A REASONABLE DOUBT**

The defendant is innocent until and unless the State proves the defendant guilty beyond a reasonable doubt. The state has the burden of proving the defendant guilty beyond a reasonable doubt. Some of you may have served as jurors in civil cases, where you were told that it is only necessary to prove that a fact is more likely true than not true. In criminal cases, the State's proof must be more convincing than that. It must be beyond a reasonable doubt.

A reasonable doubt is an honest uncertainty as to the defendant's guilt. "Proof beyond a reasonable doubt" is proof that leaves you firmly convinced of the defendant's guilt. There are very few things in this world that we know with absolute certainty, and in criminal cases the law does not require proof that overcomes every possible doubt. If, based on your careful consideration of all of the evidence, you are firmly convinced that the defendant is guilty of the crime charged, you must return a verdict of guilty. If on the other hand you think there is a reasonable possibility that the defendant is not guilty, you must give the defendant the benefit of the doubt and return a verdict of not guilty.

[derived from Federal Judicial Center, Pattern Criminal Jury Instructions 17-18 (1987) (Instruction 21), and Oregon Uniform Jury Instruction 1006]